REGULAR CITY COUNCIL MEETING FRISCO MUNICIPAL COMPLEX 8750 MCKINNEY ROAD COUNCIL CHAMBERS FRISCO, TEXAS 75034

Immediately Following the Special Called Meeting of the City Council and the Planning & Zoning Commission

May 7, 2002

MINUTES

1. Call to Order

Deputy Mayor Pro Tem Reveal called the meeting to order at 6:45 p.m. and announced a quorum was present.

Those present were: Mayor Pro Tem Tracie Reveal, Deputy Mayor Pro Tem Joy West, Councilmember Buddy Minett, Councilmember Maher Maso, Councilmember Mike Zapata.

Councilmember Steve Nichols was absent due to illness.

Newly elected Mike Simpson, Mayor, Bob Allen, Councilmember, and Matt Lafata, Councilmember.

Staff present: City Manager George Purefoy, Interim Assistant City Manager Jason Gray, Assistant City Manager Scott Young, Director of Planning John Lettellier, City Engineer Frank Jaromin, City Attorney Richard Abernathy, and City Secretary Nan Parker.

2. Invocation.

Mayor Pro Tem Reveal offered the invocation.

3. Pledge of Allegiance.

Deputy Mayor Pro Tem West led the pledge of allegiance.

4. <u>Consider and act upon acceptance of resignation of board and commission members.</u>

Councilmember Maso moved to accept the resignation of Richard Caplan and Matt Lafata from the Planning & Zoning Commission. After a second

by Deputy Mayor Pro Tem West, the motion was approved by a vote of 5-0.

5. <u>Consider and act upon adoption of Ordinance canvassing the</u> Election Returns of May 4, 2002.

Councilmember Minett moved to adopt **Ordinance No. 02-05-53** canvassing the results of the May 4, 2002 Election. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 5-0.

6. <u>Drawing of lots for one three-year term and two two-year terms</u> (providing the proposition passes).

Councilmember Allen and Councilmember Maso drew the lots for the two-year terms. Councilmember Lafata drew for the three-year term.

7. Administer the Oath of Office for new Council Members and Mayor.

Mayor Pro Tem Reveal administered the oath of office to the newly elected Mayor Mike Simpson, Councilmember Maher Maso, Councilmember Bob Allen, and Councilmember Matt Lafata.

8. Recognition of outgoing City Council Members and Mayor.

Mayor Simpson recognized Kathy Seei and Michael Osuna for their dedication and accomplishments during their tenure as Mayor and Councilmember respectively.

9. Appointment of Mayor Pro Tem.

Councilmember Lafata nominated Councilmember Maso as Mayor Pro Tem.

Deputy Mayor Pro Tem West nominated Mayor Pro Tem Reveal to continue as Mayor Pro Tem.

Councilmember Allen moved to close the nominations. Councilmember Maso moved to appoint Tracie Reveal to continue serving as Mayor Pro Tem. After a second by Deputy Mayor Pro Tem West, the motion was approved by a vote of 5-0.

10. Appointment of Deputy Mayor Pro Tem.

Councilmember Maso was appointed as Deputy Mayor Pro Tem by acclamation.

11. Citizen Input. (To begin approximately at 7:30 p.m.)

David Garb raised a question concerning Ohio Drive.

12. Reports:

A. <u>Citizen Presentation Regarding Teen Court Program</u>

Crystal Brousard, Senior at Frisco High School, to give a presentation on a teen court program.

B. Planning Department

Director of Planning John Lettellier updated the City Council on the tributary ordinance and SB5 on the reduction of energy consumption.

C. Quarterly Update for Asset Management

Asset Management Systems Administrator Perry Harts was present to address the City Council and was available to answer questions.

D. Development Services Report

Frank Abbott updated the City Council on the alternate placement of street signs. He (Abbott) stated the signs at Chapel Creek had been installed for a test case. Mr. Abbott also stated that the Denton County Commissioners have approved a traffic signal at 423 and Lebanon.

E. Parks and Recreation Report

Director of Parks and Recreation Rick Wieland updated the City Council on the highlights of the month. Bobby Johnson informed the City Council of the new water irrigation system, computer controlled for water conservation. He also explained the lighting controlled by computer at home. Mr. Wieland reported North Tech will be doing the plans for the Senior Citizen Center design.

F. Staff Report on "Operation Clean Sweep 2002"

Director of Environmental Services Pippa Couvillion was present to present awards to two churches for Operation Clean Sweep 2002.

G. Performance Measurement Project Update

Discussion only, no formal action taken.

H. Project Status Tracking Report

Discussion only, no formal action taken.

I. Monthly Financial Report

Director of Administrative Services Nell Lange reported that she, George Purefoy, Steve Walsh and Kathy Seei met with Collin County Community College District regarding the Superdrome.

13. Consent Agenda

The consent agenda was considered for approval with the exception of Items #B, #N, #DD, and #GG, which were heard separately. Mayor Pro Tem Reveal moved to approve the consent agenda as presented, excluding items #B, #N, #DD, and #GG. After a second by Councilmember Lafata, the motion was approved by a vote of 5-0.

Mayor Pro Tem Reveal moved to pull item #B. After a second by Deputy Mayor Pro Tem Maso, the motion was approved by a vote of 5-0.

Deputy Mayor Pro Tem Maso moved to pull item #N. After a second by Councilmember Lafata, the motion was approved by a vote of 5-0.

Councilmember West moved to pull item #DD. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 5-0.

Mayor Pro Tem Reveal moved to pull item #GG. After a second by Deputy Mayor Pro Tem Maso, the motion was approved by a vote of 5-0.

- A. Approval of minutes of the February 6, 2002 Joint Meeting of the City Council and Planning and Zoning Commission, and April 24, 2002 Special Called City Council Meeting. (City Secretary's Office)
- B. Approval of participation in an amicus brief regarding the City of Glenn Heights vs. Sheffield Development Co. Texas Supreme Court Case No. 02-0033. (City Manager's Office)

City Attorney Richard Abernathy explained the amicus brief regarding City of Glenn Heights vs. Sheffield. Mr. Abernathy stated that Terry Morgan is preparing the brief. He stated that Plano, Cedar Hill and Irving have contributed to the cause. MR. Abernathy asked the City Council if they are willing to participate. He stated it would be financial commitment of \$4,000 or 9% whichever is less.

- Following discussion, Councilmember Allen moved to participate financially in the support of the amicus brief. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 5-0.
- C. Approval of the Quarterly Investment Report. (Administrative Services)
- Award of bid number 0203-012 for a 2002 diesel utility tractor for the Parks Department in the amount of \$24,149.52. (City Manager's Office)
- E. Award of bid number 0204-013 for Fire Department Bunker Gear in the amount of \$38,360.00. (City Manager's Office)
- F. Award of bid number 0203-006 for the annual contract for Fire Department clothing. (City Manager's Office)
- G. Approval of the purchase of one 2002 Ford F-450 diesel dump truck for \$37,796.50 and one 2002 Ford F-350 diesel utility truck for \$28,093.50 for the Street Department. (Public Works)
- H. Approval of the purchase of one 2002 Case Skid Steer for \$16,799.31 and one 2002 Ford F-150 Supercab Pick-Up Truck for \$18,991.20 for the Utilities Department. (Public Works)
- Approval of the Six Cities Regional Trail Plan and adoption of Resolution No. 02-05-81R authorizing the City Manager to execute the Plan. (Parks & Recreation Dept.)
- J. Approval of Invoice #0322 for the City of Frisco's portion of the Six Cities Regional Trail Plan to Halff Associates, Inc., in the amount of \$7,500.00. (Parks & Recreation Dept.)
- K. Approval of the Master Plan for the Southwest Community Park. (Parks & Recreation Dept.)
- L. Approval of the purchase of a Ford Explorer in the amount of \$21,010.37 from HGAC. (Parks & Recreation Dept.)
- M. Approval of a Professional Services Agreement by and between Wier and Associates, Inc. and the City of Frisco for Engineering and Design Surveying and adopt **Resolution No. 02-05-82R** authorizing the City Manager to execute the Agreement. (Engineering)

N. Approval of payment and invoice numbers 11036, 11067, 11035, 11033, 10975, and 10927 in the amount of \$18,762.00 to Soiltech Engineering and Testing, Inc. for Frisco Square Management District Projects. Project number CV-0389. (Engineering)

City Engineer Frank Jaromin stated that there are waivers of liens from Soiltech.

Deputy Mayor Pro Tem Maso moved to approve the payment of the invoices subject to the subcontractors being paid. After a second by Councilmember Allen, the motion was approved by a vote of 5-0.

- O. Approval of pay estimate number 1 in the amount of \$419,558.00 to CB&I Contractors, Inc. for Eldorado Elevated Water Tower, Project Number CV-0364. (Engineering)
- P. Approval of pay estimate number 12 in the amount of \$34,405.67 to Glenn Thurman, Inc. for Hillcrest Road, Project CV-0006. (Engineering)
- Q. Approval of pay estimate number 3 in the amount of \$112,691.39 to Frisco Industrial Partners, Ltd. for Eldorado Parkway Extension to FM2934, Project Number CV-0188. (Engineering)
- R. Approval of pay estimate number 10 in the amount of \$136,851.07 to Mario Sinacola and Sons for Frisco Square Management District Projects, Project Number CV-0389. (Engineering)
- S. Approval of pay estimate number 3 in the amount of \$83,224.42 to John Burns Construction for Cottonwood Branch Sewer Main, Project Number CV01-0029. (Engineering)
- T. Approval of pay application number 6 in the amount of \$276,832.10 to Owen Commercial Construction, Inc. for Frisco Fire Department Station 4. (Fire Department)
- U. Approval of change order number 1 in the amount of \$29,779.59 for upgrades intended to facilitate helicopter operations at Fire Station 4. (Fire Department)
- V. Approval of change order number 2 in the amount of \$19,149.20 for revisions at Fire Station 4. (Fire Department)
- W. Approval of a consulting services agreement by and between Kimley-Horn and Associates, Inc. for developing a GIS Strategic

- Plan and adopt **Resolution No. 02-05-83R** authorizing the City Manager to execute the Agreement. (Asset Management)
- X. Approval of Second Quarter of FY2002 Secion 380 Sales Tax Grant Payment in the amount of \$13,862.67. (City Manager's Office)
- Y. Approval of Tax Refunds over \$500.00. (Tax Department)
- Z. Approval of a Professional Services Agreement by and between David K. Wasson Management Consulting and the City of Frisco for recruitment of a Deputy City Manager and adopt **Resolution No. 02-05-84R** authorizing the City Manager to execute the Agreement. (Human Resources)
- AA. Appointment of the Frisco City Council to the Frisco Tax Increment Reinvestment Zone Number Board of Directors. (City Manager's Office)
- BB. Approval of payment for invoice number 3250 in the amount of \$21,361.16 and invoice 3269 in the amount of \$\$5,966.65 to Duncan, Sefko and Associate, Inc. for the Land Use and Zoning Evaluation and Implementation Plan. (Planning)
- CC. Approval of final pay to PGAL in the amount of \$20,320.00 for the Preston Road Overlay District Implementation Plan. (Planning)

DD. Approval of consulting services Agreement by and between the City of Frisco and Geo-Marine, Inc. for Wetland and Reparian Services. (Planning)

Jerry Ragsdale voice concerns about Wetlands cannot be identified by aerial photography and requested that this item be tabled.

City Planner Jeff Witt stated that there are secondary sources to establish a hierarchy and take a grip on natural resources.

Rudy Ryan, Geo-Marine, reported that the matrix function of quality of Wetland.

Mayor Pro Tem Reveal moved to approve the service contract subject to development community be involved and not a process to delineate Wetlands, but a tool. Attached to and made a part of these minutes as Exhibit A After a second by Councilmember West, the motion was approved by a vote of 5-0.

- EE. Adoption of **Resolution No. 02-05-85R** declaring the necessity for acquiring by condemnation the fee simple to 0.603 acre of land, more or less, situated in the J.W. Cox Survey, Abstract No. 159, Collin County, Texas for right-of-way purposes construction of Panther Creek Parkway and ordering the condemnation of said property to proceed.
- FF. Adoption of **Resolution No. 02-05-86R** declaring the necessity for acquiring by condemnation of a slope easement to 0.198 acre tract of land, more or less, situated in the J.W. Cox Survey, Abstract No. 159, Collin County, Texas for construction of Panther Creek Parkway and ordering the condemnation of said property to proceed.
- GG. Adoption of a Resolution authorizing the City Manager to execute an Agreement by and between the City of Frisco and Hunt Construction Group, Inc.

Assistant City Manager Scott Young asked that the item be pulled.

Mayor Pro Tem Reveal moved to adopt **Resolution No. 02-05-87R** authorizing the city to execute subject to approval by Hunt Construction Group, Inc. After a second by Councilmember Allen, the motion was approved by a vote of 5-0.

14. Legislative Agenda

The legislative agenda was considered for approval with the exception of items #K, #L, and #M. Mayor Pro Tem Reveal moved to approve the legislative agenda as presented, excluding items #K, #L, and #M. After a second by Councilmember Lafata, the motion was approved by a vote of 5-0.

Councilmember West moved to pull items #K, #L, and #M. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote 5-0.

- A. Amended Plat: Grayhawk Phases I & II, Block E, Lots 10-15 and Block D, Lots 13-20, Eight Single-Family-5 lots on 1.1± acres on the southwest corner of Swan Lake Drive and Red Hawk Drive and six Single-Family-5 lots on 0.9± acre on the northwest corner of Migratory Lane and Ducks Landing. Zoned Planned Development-157-Single-Family-5. Neighborhood #49.Applicant: Legacy/Monterey Homes, L.P. (Planning Dept.)
- B. Site Plan: Preston Manor Phase II, Tract H (Parkview Townhomes), Four townhomes on one lot on 0.8± acre on the south side of Kent Drive, 115± feet west of Windy Ridge Drive. Zoned Multi-Family-1.

- Neighborhood #11. Applicant: Keystone Building Corporation (Planning Dept.)
- C. Final Plat: Frisco Square Phase 4, 82 Single-Family lots and eight open space lots on 9.9± acres on the north side of Platinum Parkway, 800± feet east of the Dallas North Tollway. Zoned Planned Development-153-DT-1. Neighborhood #40. Applicant: Frisco Square, Ltd. (Planning Dept.)
- D. Final Plat: Panther Creek Estates, Phase II, 77 Planned Development-Cluster Home lots, 190 Planned Development-Patio Home lots, and two open space lots on 62.9± acres on the north side of future Eldorado Parkway, 1,350± feet west of Coit Road. Zoned Planned Development-2-Residential Village. Neighborhood #8. Applicant: Panther Creek Ventures, Ltd. (Planning Dept.)
- E. Final Plat: Grayhawk, Phase IV-B, 38 Single Family lots and one private open space lot on 9.6± acres on the northeast corner of Cardinal Creek Drive and Swan Lake Drive. Zoned Planned Development-157-Single Family-5. Neighborhood #49. Applicant: Legacy/Monterey Homes, L.P. (Planning Dept.)
- F. Preliminary Plat: The Village at Panther Creek, 132 Planned Development-Type "C" lots, 161 Planned Development-Cluster Home lots, 625 Planned Development-Patio Home lots, seven open space lots, a City Park lot, and a school lot on 285.1± acres on the west side of Hillcrest Road, 280± feet north of Eldorado Parkway. Zoned Planned Development-2-Residential Village. Neighborhood #9. Applicant: Tiger Lily Properties Assoc. L.P. (Planning Dept.)
- G. Site Plan & Final Plat/ Revised Conveyance Plat: SWC Ohio/Lebanon Addition, Block A, Lots 5, 6, & 7 (Preston at Lebanon Village), An office building on three lots on 15.2± acres on the southwest corner of Lebanon Road and Ohio Drive. Zoned Commercial 1. Neighborhood #29. Applicant: Ohio Drive Limited. (Planning Dept.)
- H. Final Plat: Frisco Heights, Phase 2, 136 Single-Family lots on 35.9± acres 1,500± feet north of Eldorado Parkway, 1,250± feet west of Custer Road. Zoned Single-Family-4. Neighborhood #6. Applicant: D.R. Horton-Texas, Ltd. (Planning Dept.)
- Adoption of Ordinance No. 02-05-54 amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01 an ordinance amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; rezoning a tract of land consisting of 218.3890 acres, from zoned Agriculture (A) to Planned Development Retail/Office-2/Patio Home/Multifamily-2 (PD-R/O-2/PH/MF-2) and Office-2/Single Family-3/Single Family-4 (O-2/SF-3/SF4). (Z2002-0031) (Planning Dept.)

- J. Adoption of Ordinance No. 02-05-55 of the City of Frisco, Texas, creating Article I, Section 12 (Complete Application Requirement) in the City of Frisco's Comprehensive Zoning Ordinance No. 00-11-01. (CZO Incomplete Applications) (ZA2002-0015) (Planning Dept.)
- K. Adoption of an Ordinance of the City of Frisco, Texas, creating Section 3.05 (Complete Application) to the Subdivision Regulation Ordinance No. 94-08-19 (SRO Incomplete Applications) (SA2002-0003) (Planning Dept.)

David Siciliano spoke against the \$2,000 fine for incomplete applications. Director of Planning John Lettellier stated that he would not condone the fine.

Mayor Pro Tem Reveal moved to adopt **Ordinance No. 02-05-56** approving the amendment subject to the removal of the \$2,000 fine. After a second by Councilmember West, the motion was approved by a vote of 5-0.

L. Adoption of an Ordinance of the City of Frisco, Texas amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, creating Article I, Section 13 (Dormant Developments) (ZA2002-0013) (Planning Dept.)

David Siciliano spoke against request.

Mayor Pro Tem Reveal moved to **table the request**. After a second by Councilmember Lafata, the motion was approved by a vote of 5-0.

M. Adoption of an Ordinance of the City of Frisco, Texas, amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, Article III regarding density calculations in the TH-Townhome District. (ZA2002-0002) (Planning Dept.)

Councilmember Allen moved to adopt **Ordinance No. 02-05-57** approving the amendment to the zoning ordinance. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 5-0.

- N. Adoption of **Ordinance No. 02-05-58** amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; rezoning a tract of land consisting of 7.8 acres from Agriculture to Highway. (Z2001-0027) (Planning Dept.)
- O. Adoption of **Ordinance No. 02-05-59** Authorizing and Allowing a Buy-Back Option for Specific Employees with TMRS. (Human Resources)

- P. Adoption of **Ordinance No. 02-05-60** Authorizing and Allowing Employees to Establish Credit in TMRS for Active Military Service Prior to employment with the City of Frisco. (Human Resources)
- Q. Adoption of **Ordinance No. 02-05-61** for Involuntary Annexation: US Army Corps of Engineers, Case IA2002-22. (City Secretary)
- R. Adoption of **Ordinance No. 02-05-62** for Involuntary Annexation: I.T. Story, Case IA2002-20. (City Secretary)
- S. Adoption of **Ordinance No. 02-05-63** for Involuntary Annexation: Al Blum, Trustee, Case IA2002-16. (City Secretary)
- T. Adoption of **Ordinance No. 02-05-64** for Involuntary Annexation: City of Frisco, Case IA2002-14. (City Secretary)

Regular Agenda:

15. <u>Presentation of the Fiscal Year 2001 Annual Audit. (Administrative Services)</u>

Director of Administrative Services Nell Lange was present to answer questions on the audit for fiscal year 2001.

Deputy Mayor Pro Tem Maso asked about electronic forms of all the reports. Ms. Lange responded that it would be at the work session next year.

Councilmember West moved to **table** to allow further review by new Councilmembers. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 5-0.

16. Public Hearing and Adoption of an Ordinance for the Management of Right of Way and Public Easement Regulations. (Development Services)

Asset Management Systems Administrator Perry Harts introduced the item and stated that a representative from AT&T was unable to attend.

Councilmember Allen moved to open the public hearing. After a second by Councilmember Lafata, the motion was approved by a vote of 5-0.

David Siciliano, representing the Developer's Council, complained that they would like to be informed before the adoption of the ordinance.

Dalene Buhl was present representing Southwestern Bell and thanked the City staff for working to get the ordinance finalized.

Steve Matthews, Area Manager of Encore, TXU, stated that Encore trucks are subsidiary of TXU and is in support of the ordinance.

Councilmember Lafata moved to close the public hearing. After a second by Councilmember Allen, the motion was approved by a vote of 5-0.

Deputy Mayor Pro Tem Maso moved to adopt **Ordinance No. 02-05-65** approving the management of right-of-way and public easement regulations. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 5-0.

17. Public Hearing/Second Hearing on Voluntary Annexation Requested by Bert Fields, Jr. (Case A2002-23): the property is a tract of land in the Collin County School Land Survey, Abstract No. 149, Collin County, Texas containing 6.78 acres ±. (City Secretary's Office)

Mayor Pro Tem Reveal moved to open the public hearing. After a second by Councilmember Allen, the motion was approved by a vote of 5-0.

There being no one to speak in favor or opposition, Mayor Pro Tem Reveal moved to close the public hearing. After a second by Councilmember Allen, the motion was approved by a vote of 5-0.

City Attorney Richard Abernathy stated the property is located within the extraterritorial jurisdiction; is contiguous to the existing city limits and the service plan was available.

18. Public Hearing: Zoning Case Z2001-0019. Applicant(s): Newman Real Estate and Willow Park Development, LLC. A request to rezone 19.9+ acres on the northeast corner of Parkwood Boulevard and future John Hickman Parkway from Multi-Family-1 to Planned Development-Multi-Family-1. Neighborhood #30. Consider and act to instruct staff to prepare an Ordinance on the above request. Tabled at the August 21, 2001, September 4, 2001 and November 20, 2001, City Council Meeting. (Planning Dept.)

Councilmember Allen moved to open the public hearing. After a second by Councilmember Lafata, the motion was approved by a vote of 5-0.

City Planner Doug Mousel stated that the rezone will be from MF-1 to patio homes and the applicant is requesting that the item be tabled to July.

There being no one to speak in favor or against the request, Mayor Pro Tem Reveal moved to continue the public hearing. After a second by Councilmember Lafata, the motion was approved by vote of 5-0.

Mayor Pro Tem Reveal moved to **table the request until the July 16, 2002 City Council meeting**. After a second by Councilmember Allen, the motion was approved by a vote of 5-0.

19. Public Hearing – Replat: Custer Creek Farms Phase 1, Lot 9R, Two Single-Family-1 lots on 3.5± acres on the north side of Custer Trail, 1,200± feet west of Custer Road. Zoned Single-Family-1. Neighborhood #15. (Planning Dept.)

City Planner Doug Mousel recommended approval.

Mayor Pro Tem Reveal moved to open the public hearing. After a second by Councilmember Allen, the motion was approved by a vote of 5-0.

There being no one to speak in favor or against the request, Councilmember Allen moved to close the public hearing. After a second by Councilmember West, the motion was approved by a vote of 5-0.

Mayor Pro Tem Reveal moved to approve the replat for Custer Creek Farms Phase 1, Lot 9R. After a second by Councilmember Allen, the motion was approved by a vote of 5-0.

20. Approval of a Concept Plan: Willow Pond - Phase II. Applicant(s):
Newman Real Estate and Willow Park Development, LLC. 78 Patio
Home lots and three open space lots on 19.9+ acres on the northeast
corner of Parkwood Boulevard and John Hickman Parkway. Zoned
Multi-Family-1. Requested zoning is Planned Development-MultiFamily-1. Neighborhood #30. Tabled at the August 21, 2001,
September 4, 2001 and November 20, 2001, City Council Meetings.
(Planning Dept.)

Councilmember Allen moved to **table the concept plan until the July 16, 2002 City Council meeting**. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 5-0.

21. Replat & Revised Site Plan - Public Hearing: Block A, Lots 3, 5, and 6
(Tutor Time) Teel & 720 Retail Addition, A day care on one lot on 2.3+
acres on the north side of Main Street, 500+ feet east of Teel
Parkway. Zoned Retail with Specific Use Permit No. 119 for a Day
Care. Neighborhood #45. Applicant: Tutor Time Child
Care/Learning Center. (Planning Dept.)

Councilmember Lafata moved to open the public hearing. After a second by Councilmember West, the motion was approved by a vote of 5-0.

There being no one to speak in favor or against the request, Councilmember Allen moved to close the public hearing. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 5-0.

Mayor Pro Tem Reveal moved to approve the replat and revised site plan for Block A, Lots 3, 5, and 6 (Tutor Time) Teel & 720 Retail Addition subject to staff's comments. After a second by Councilmember Allen, the motion was approved by a vote of 5-0.

22. Preliminary Site Plan: Rack Daddy's/Preston 10 Investors, Four restaurant buildings on four lots on 7.2± acres on the east side of Preston Road, 800± feet south of Preston Vineyard Drive. Zoned Commercial-1. Neighborhood #24. Applicant: Preston 10 Investors, Ltd. (Planning Dept.)

Director of Planning John Lettellier stated that the applicant's engineer, TxDOT will accept to a certain limit.

Kirk Williams and Shula Netzer were present to speak in favor of the request.

Mayor Pro Tem Reveal moved to **table the preliminary site plan until the May 21, 2002 City Council meeting**. After a second by Councilmember West, the motion was approved by a vote of 5-0.

23. Approval of a selection of Library Facilities and Programming Master Plan Consultant and authorize the City Manager to negotiate an Agreement with the consultant. (City Manager's Office/JG)

Mayor Pro Tem Reveal moved to authorize the City Manager to negotiate an agreement with Providence Associates. After a second by Councilmember Lafata, the motion was approved by a vote of 5-0.

24. <u>Appointment of members to the Frisco Square Municipal</u> Management District Board of Directors (City Council)

Councilmember Allen moved to nominate Mayor Simpson, Deputy Mayor Pro Tem Maso, and Councilmember Lafata to the Frisco Square Municipal Management District Board of Directors. After a second by Deputy Mayor Pro Tem Maso, the motion was approved by a vote of 5-0.

25. <u>Appointment of members to the Governance and Ethics ad hoc subcommittee.</u> (City Manager's Office/JG)

Councilmember Lafata moved to nominate Mayor Simpson, Mayor Pro Tem Reveal, Councilmember Nichols, and Councilmember West to the Governance and Ethics Ad Hoc Subcommittee. After a second by Councilmember Allen, the motion was approved by a vote of 5-0.

26. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit;

Mayor Pro Tem Reveal moved to recess into closed session at 10:00 p.m. After a second by Councilmember West, the motion was approved by a vote of 5-0.

Mayor Simpson announced the Council was in closed session as authorized by:

- A. Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. south of US 380, north of FM 720, east of FM 423, and west of SH 289.
 - ii. south of Eldorado Pkwy., north of Stonebrook Pkwy., east of Teel Rd., and west of SH 289.
 - iii. West of Hwy 289, south of Eldorado Parkway, east of North Dallas Parkway, north of Stonebrook Parkway
 - iv. West of Hwy 289, south of Eldorado Parkway, east of North Dallas Parkway, north of Stonebrook Parkway
- C. Section 551.071. Consultation with the attorney for the City regarding:
 - i. legal aspects of changes to zoning and subdivision regulations;
 - ii. legal aspects of zoning control;
 - iii. legal aspects of a proposed development agreement (Brinkmann);
 - iv. legal aspects of issues associated with the burial of overhead utility lines;
- D. Case No. 2002-30043-211 in the Denton County District Court in the case of Steve Nichols, etal. v. Kathleen A. Seei.
- E. Section 551.074. Discussion with City Manager regarding staff performance.
- F. Section 551.074. Executive session to discuss duties of City Council members and to hear complaints against one or more City Council members.

Mayor Pro Tem Reveal moved to reconvene into open session at 10:55 p.m. After a second by Councilmember Allen, the motion was approved by a vote of 5-0.

27.	<u>Discussion on Governance Monitoring of present City Council Meeting.</u>
	Discussion only, no formal action was taken.
28.	Adjourn.
	There being no further business, Councilmember Allen moved to adjourn at 11:00 p.m. After a second by Councilmember Lafata, the motion was approved by a vote of 5-0.
	E. Michael Simpson, Mayor
ATTE	ST:

Nan Parker, City Secretary